

BINGHAM McCUTCHEN LLP
 DONN P. PICKETT (SBN 72257)
 GEOFFREY M. HOWARD (SBN 157468)
 HOLLY A. HOUSE (SBN 136045)
 ZACHARY J. ALINDER (SBN 209009)
 BREE HANN (SBN 215695)
 Three Embarcadero Center
 San Francisco, CA 94111-4067
 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286
 donn.pickett@bingham.com
 geoff.howard@bingham.com
 holly.house@bingham.com
 zachary.alinder@bingham.com
 bree.hann@bingham.com

DORIAN DALEY (SBN 129049)
 JENNIFER GLOSS (SBN 154227)
 500 Oracle Parkway
 M/S 5op7
 Redwood City, CA 94070
 Telephone: (650) 506-4846
 Facsimile: (650) 506-7114
 dorian.daley@oracle.com
 jennifer.gloss@oracle.com

Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International
 Corporation, Oracle EMEA Limited, and
 Siebel Systems, Inc.

Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 Elaine Wallace (SBN 197882)
 JONES DAY
 555 California Street, 26th Floor
 San Francisco, CA 94104
 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 ewallace@jonesday.com

Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 JONES DAY
 1755 Embarcadero Road
 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 JONES DAY
 717 Texas, Suite 3300
 Houston, TX 77002
 Telephone: (832) 239-3939
 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 jlfuchs@jonesday.com

Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,
 Plaintiffs,
 v.
 SAP AG, *et al.*,
 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATION TO PERMIT
 PLAINTIFFS TO FILE UNDER SEAL
 DEFENDANTS' INFORMATION
 SUPPORTING PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the “Parties”) jointly submit this Stipulation to Permit Plaintiffs to File Under Seal Defendants’ Information Supporting Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment.

At Defendants’ request, Plaintiffs have filed an Administrative Motion to Permit Plaintiffs to File Under Seal Defendants’ Information Supporting Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment. The requested relief is necessary and narrowly tailored to protect the alleged confidentiality of the materials put at issue by Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment until such time as the Court makes a final ruling as to confidentiality of the relevant subject matter.

Specifically, the following documents and portions of documents contain information Defendants have instructed Plaintiffs to move for permission to file under seal:

- (1) Excerpts from Defendants’ document entitled “SAP AG, Fair Value of Certain Assets, Liabilities and Legal Entities of Business Objects S.A. As of January 21, 2008,” produced in this litigation as Bates Numbers SAP-OR 00802513-517 and attached as Exhibit 44 to the Declaration of Paul K. Meyer in Support of Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment (“Meyer Declaration”), as well as the corresponding text in Paragraph 40(b) of the Meyer Declaration; and
- (2) Portions of Plaintiffs’ Opposition to Defendants’ Motion for Partial Summary Judgment Regarding Plaintiffs’ Hypothetical [Fair Market Value] License Damages at 22:13-14 and Portions of the Declaration of Lawrence Ellison at 3:21-23 referencing payments made pursuant to the database reseller’s agreement between the parties.

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that Plaintiffs be permitted to move for permission to file under seal the information identified in the preceding paragraph.

1 DATED: September 23, 2009

BINGHAM McCUTCHEN LLP

2
3 By: /s/ Zachary Alinder

4 Zachary Alinder
5 Attorneys for Plaintiffs
6 Oracle USA, Inc., Oracle International
Corporation, and Oracle EMEA Limited

7 In accordance with General Order No. 45, Rule X, the above signatory attests that
8 concurrence in the filing of this document has been obtained from the signatory below.

9 DATED: September 23, 2009

JONES DAY

10
11 By: /s/ Jason McDonell

12 Jason McDonell
13 Attorneys for Defendants
14 SAP AG, SAP America, Inc., and
15 TomorrowNow, Inc.